IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1628 OF 2005

IN

SUIT NO.1515 OF 2005

1. Vidyut Corporation. ...Plaintiff.

vs.

1. MCI Securities Pvt.Ltd. & others. ...Defendants

Mr.Gautam Mehta i/b. Sonal Doshi & Co. for plaintiff.

Mr.S.S.Purohit with Ms.Sandhya Tolat i/b. Vimadalal & Co. for Defendant nos.2, 4 and 6.

Mr.Mankad i/b. Purohit & Co. for Defendant no.1.

CORAM: D.K.DESHMUKH,J.

DATED: 12th October,2006

P.C.:-

1. By this suit, the plaintiff is claiming decree in the amount of Rs.2,75,27,228/- (Rupees Two crores Seventy Five lakhs Twenty seven thousands two hundred twenty eight only). The averments in paragraph 13 of the plaint shows that, according to the plaintiff, this

amount is the market price of the shares. But in the plaint no averments are to be found as to on what date this was the market price of the shares. Apart from the averments not being found in the plaint, there is also no document produced so as to show that this will be the market price of the share on any date. It is thus clear that the plaintiff has not even established any prima facie case in its favour. In the absence of any prima facie case, obviously, the plaintiff is not entitled to any interim order. The notice of motion is therefore, disposed of.

2. At this stage a request is made for continuing the ad-interim order. The request is rejected.